

Subject
322A 15-1988

OGC Has Reviewed

19 December 1952

MEMORANDUM FOR: Special Assistant to DD/A

FROM: Office of the General Counsel

SUBJECT: Draft Notice ___-52 - Subject: Advances to Employees for
Personal Expenditures

1. You have requested our comments with regard to the subject draft notice. Rather than indulging in a piecemeal discussion of the draft as submitted, we have undertaken a redraft, a copy of which is hereto attached. It is our opinion that the form of redraft may clarify certain doubtful legal points in the submitted version. Our comments respecting reasons for changes follow.

2. As a general comment may we point out that the subject of the notice is concerned with advances and the absolute prohibition against use of Agency funds as advances to meet personal obligations. We would prefer to see the contents of paragraphs 1-3 inclusive of the submitted draft condensed into one paragraph with an unequivocal statement of the legal prohibition. It is our opinion that the notice should contain no suggestion of possible deviation from this rule for personal reasons. See paragraph 1 of the revised draft.

25X1A 3. Paragraph 4 of the submitted draft is essentially in contradic-
tion of paragraphs 1-3 and to some extent in conflict with opinions which
this office has rendered from time to time with respect to the authority
of the DD/A under [REDACTED]. We do not believe the exercise of this auth-
25X1A ority should turn upon the degree of hardship. If the obligation is per-
sonal, no matter how great, it should not influence a decision to make
Agency funds available to defer it. The intent of [REDACTED] as we have inter-
preted it, is to permit reimbursement of certain expenses imposed upon in-
dividuals because of the peculiar functions of CIA as, for instance, ex-
penses related to preservation of cover. The effect of permitting such
reimbursement is to say that these expenses are essentially obligations
of the Government because of the unusual requirements we have made upon
the individual. There should be a direct causal relationship between the
25X1A expense and the unique functions of CIA. We believe firmly that the use
of [REDACTED] to meet personal expenses normally encountered in the day to day
administration of every Government agency, should be scrupulously avoided.

Information

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4. The contents of paragraphs 5 and 6 of the submitted draft are already spelled out in [REDACTED]. We believe the notice should not do more than to call attention to the fact that advances are to be authorized only in strict accordance with the provisions of that regulation.

5. We have no comments with respect to paragraph 7 of the submitted draft.

25X1A

[REDACTED]

Attachment - Draft Notice

OGC/GHK:imm

Distribution -

Orig - Addressee

2 - OGC